

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JAMES EDWARD SMITH

PETITIONER

VS.

CASE NO. 5:15CV00012 BRW/HDY

**WENDY KELLY, Director of the
Arkansas Department of Correction**

RESPONDENT

ORDER

The Court has received proposed Findings and Recommendations from Magistrate Judge H. David Young. After reviewing the Findings and Recommendations, the timely objections received thereto, and a *de novo* review of the record, the Court concludes that the Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the Rules Governing § 2554 Cases in the United States District Court, the Court must determine whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right.¹ The Court finds no issue on which petitioner has made a substantial showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

IT IS SO ORDERED this 2nd day of April, 2015.

/s/ Billy Roy Wilson

UNITED STATES DISTRICT JUDGE

¹28 U.S.C. § 2253(c)(1)-(2).